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SENATE

REPORT
No. 1951

MRS. KATHARINA LUISE TRENYE

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 5517]

The Committee on the Judiciary, to which was referred the bill (H. R. 5517) for the relief of Mrs. Katharina Luise Trenye, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of Mrs. Katharina Luise Trenye, the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a native and citizen of Germany who was married on March 2, 1950, to Stephen Trenye, a United States citizen serving with our Armed Forces in Germany. She was convicted in 1940 of theft and paid a fine in lieu of 6 weeks' imprisonment. It appears that she was granted a pardon on June 23, 1943. However, foreign pardons do not remove the ground for inadmissibility into the United States. Without the waiver provided for in the bill the beneficiary of the bill will be unable to join her citizen husband in this country.

Representative Frances P. Bolton, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter dated January 24, 1951, from the chief of the Visa Division of the Department of State with reference to the case:

DEPARTMENT OF STATE,
Washington, D. C., January 24, 1951.

In reply refer to VD 150 Trenye, Katharina L. H.

Hon. FRANCES P. BOLTON,
House of Representatives.

MY DEAR MRS. BOLTON: I refer to your letter of December 22, 1950, concerning further the desire of Mr. Stephen Trenye to bring his wife, Mrs. Katharina L. H. Trenye, to the United States from Germany. Reference is also made to my interim acknowledgment of December 26, 1950.

According to information recently received from the American consulate general at Frankfort in Mrs. Trenye's case, she was on May 14, 1940, convicted by the district court at Bad Homburg of theft in violation of section 242 of the German Penal Code and was sentenced to serve 6 weeks' imprisonment. Despite the fact that Mrs. Trenye was not imprisoned and paid a fine instead, the sentence imposed on her was never revoked.

As you are undoubtedly aware, section 3 of the Immigration Act of February 5, 1917, as amended, renders excludable from admission into the United States persons who have been convicted of or who admitted having committed a felony or other crime or misdemeanor involving moral turpitude. The offense of which Mrs. Trenye was convicted, namely theft, has been held to constitute an offense involving moral turpitude within the meaning of the above-cited provision of law.

As section 2 (f) of the Immigration Act of 1924, as amended, provides that no immigration visa shall be issued to an immigrant who is inadmissible into the United States, it appears that the consular officer at Frankfort had no choice under the law but to refuse the issuance of an immigration visa in Mrs. Trenye's case.

I may add that the pardon issued by the court at Bad Homburg on June 23, 1943, stating that "the defendant has been pardoned as she proved worthy of such an amnesty during her probation" would not appear to remove Mrs. Trenye's disqualification under the moral turpitude clause as it fails to certify that she was innocent and therefore wrongfully convicted.

With regard to the question as to whether Mrs. Trenye may be granted a visitor's visa with which to enter the United States for a temporary period, I may explain that the American consular officer at Frankfort has the sole responsibility for determining whether Mrs. Trenye is properly classifiable as a temporary visitor within the meaning of section 3 (2) of the Immigration Act of 1924, as amended, as well as her eligibility to receive a visa within such classification. In reaching a decision in this matter, the consular officer must, of course, take into consideration the fact that she had previously applied for an immigration visa for the purpose of entering this country to establish a permanent residence with her husband.

Sincerely yours,

H. J. L'HEUREUX,
Chief, Visa Division.

Mrs. Bolton also submitted the following statement in support of the bill:

Mrs. Katharina Luise Trenye, the subject of H. R. 5517, married Stephen Trenye, of Fairport Harbor, Ohio, on March 2, 1950, while he was with the occupation forces in Germany. He returned to the United States on June 21, 1950, and filed a visa petition in his wife's behalf. This was approved, but a visa was denied as Mrs. Trenye had been convicted of a crime involving moral turpitude.

It seems that in 1940, Mrs. Trenye, a minor at that time, was convicted of theft and sentenced to serve 6 weeks imprisonment. She paid a fine instead of serving this sentence; however, the sentence imposed on her was never revoked and for this reason she was denied a visa.

It is my hope that the committee will report H. R. 5517 favorably and thus help to clear the way for Mrs. Trenye to join her husband in this country.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 5517) should be enacted.